



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.10.2017

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

CRL.O.P. (MD) .No.14122 of 2017

V.Pitchaikaniyan . . . Petitioner
Vs.

1. The Commissioner of Police,
Madurai, Madurai District.
2. The Inspector of Police,
Avaniyapuram Police Station,
Madurai District. . . Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the first respondent to secure the accused in Crime No.304 of 2013 on the file of the second respondent police in accordance with law.

For Petitioner : M/s.K.Mahalakshmi
For Respondents : Mr.K.S.Durai Pandiyan,
Additional Public Prosecutor.

ORDER

This Criminal Original petition is filed for issuing a direction to the first respondent to secure the accused in Crime No.304 of 2013 on the file of the second respondent police in accordance with law.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3. The petitioner is the defacto complainant who lodged a criminal complaint as against the accused in Crime No.304 of 2013 for the offences under Sections 468, 120(b) and 420 of I.P.C. The complaint lodged by the petitioner reveals that the petitioner has no serious allegations.

4. It is the case of the petitioner that he is in enjoyment of some lands which were allotted to his father as "Boomithanam" lands. The petitioner has given the complaint stating that in respect of the land which was in his lawful enjoyment, documents were fabricated by some strangers and that therefore, the petitioner has given a complaint against one Arumugam who is none less than the petitioner's cousin. It is further stated that the said Arumugam trespassed into the petitioner's land and threatened the petitioner to withdraw the complaint.

5. The petitioner further states that the said Arumugam has fabricated some documents with an intention to defraud the petitioner and to grab his land. It is also the case of the petitioner that the accused has created a forged Power of Attorney Deed as if the petitioner has executed a general Power of Attorney deed in favour of the said Arumugam and another person.

6. The complaint is therefore for the offences under Sections 468, 120(b) and 420 of I.P.C. Except stating that the accused in this case has committed the offences under Sections 468, 120(b) and 420 of I.P.C., learned counsel for the petitioner has not stated any ground or strong reasons or circumstances compelling the arrest of the accused. Arrest of the accused is not a matter of routine in all cases.

7. In such circumstances, this Court is not inclined to entertain this petition. Hence, the Criminal Original petition is dismissed.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar

To

1. The Commissioner of Police,
Madurai, Madurai District.
2. The Inspector of Police,
Avaniyapuram Police Station,
Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to M/s.K.Mahalakshmi, Advocate Sr.No.83353

PMU

<https://hscpcsb.csb.gov.in/CaseDetails/6/11/2017/2P/5C>

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